

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

J. M.

PLAINTIFF

v.

CIVIL ACTION NO. 3:15-cv-841-HSO-JCG

**MANAGEMENT & TRAINING CORPORATION,
D.H. and JOHN AND JANE DOES 1-100**

DEFENDANTS

**PLAINTIFF'S RESPONSE TO DEFENDANT, MANAGEMENT & TRAINING
CORPORATION'S MOTION FOR SUMMARY JUDGMENT**

The Plaintiff, J.M. ("Plaintiff"), by and through undersigned counsel, files this Response to the Motion for Summary Judgment [81] and Memorandum Brief in Support of same [82] filed herein by Defendant, Management & Training Corporation ("MTC"), and in support of same, states as follows:

1. MTC is not entitled to summary judgment in this case. Plaintiff has established genuine issues of material fact which preclude summary judgment, specifically as to Plaintiff's claims of negligence and gross negligence, negligent and/or grossly negligent training or supervision, respondeat superior claims, constitutional claims, i.e. failure to protect, train, supervise, staff or investigate, as well as the issue of punitive damages.

2. The Plaintiff denies each and every allegation in MTC's Motion for Summary Judgment.

3. In support of his Response, the Plaintiff relies upon his separate Memorandum Brief, as well as the following exhibits which are being filed separately/conventionally, UNDER SEAL, with the Clerk of Court:

| NO. | DESCRIPTION |
|-----|--|
| 1 | Deposition of James Mays |
| 2 | Deposition of Russell Houston |
| 3 | Walnut Grove Police Department Investigatory File |
| 4 | Deposition of James Jefferson |
| 5 | Leake County, Mississippi Circuit Court Indictment |
| 6 | Deposition of Dasmond Howard |
| 7 | Shift Roster |
| 8 | Deposition of Karen Moorehead |
| 9 | Deposition of Tiffany Gill |
| 10 | Bates No. MTC-000306 |
| 11 | Deposition of Annie Morgan |
| 12 | Bates No. MTC-000259-000280 |
| 13 | Expert Report of Richard J. Subia |
| 14 | Deposition of Richard J. Subia |
| 15 | <i>Depriest v. Walnut Grove</i> , 2015 U.S. Dist. LEXIS 75738 |
| 16 | <i>Depriest v. Walnut Grove</i> ; Consent Decree, No. 75-3 |
| 17 | <i>Depriest v. Walnut Grove</i> ; Order Approving Consent Decree, No. 75 |
| 18 | United States Department of Justice Report |
| 19 | <i>Dockery et.al. v. Fisher, et. al.</i> ; Opinion and Order, No. 257 |

RESPECTFULLY SUBMITTED, THIS the 21st day of April, 2017.

J.M., PLAINTIFF

BY: /s/ Charles R. Mullins
CHARLES R. MULLINS

OF COUNSEL:

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CERTIFICATE OF SERVICE

I, Charles R. Mullins, attorney of record for the Plaintiff in the above-styled and referenced matter, do hereby certify that I have this date electronically filed the foregoing *Plaintiff's Response to Defendant, Management & Training Corporation's Motion for Summary Judgment* with the Clerk of Court utilizing the ECF System, which sent notice of same to the following:

R. Jarrad Garner, Esquire
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THIS, the 21st day of April, 2017.

/s/ Charles R. Mullins
CHARLES R. MULLINS